



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

549926

COPY

February 22, 1988

Donald Kelly, Chairman  
Beatrice Foods Corp.  
2 North LaSalle Street  
Chicago, IL 60602

Re: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of RCRA, for certain activities occurring at the Wildwood Conservation Corporation property and the Wedel Corporation property, located on Salem Street in Woburn, Massachusetts, hereinafter referred to as "the Facility".

Dear Mr. Kelly:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Wells G & H Superfund Site, in Woburn, Massachusetts, "the Site". At present the Site boundaries are: Route 128 to the North, Salem and Cedar Streets to the South, Wildwood Avenue to the West, and Interstate 93 to the East. This investigation requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at or transported to the Site, and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup of the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), P.L. 99-499, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in Attachment A.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request within fifteen (15) business days of receipt of this letter, or to adequately justify such failure to respond,



can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to this Information Request should be mailed to:

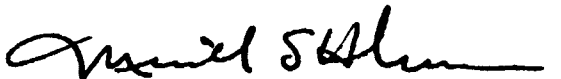
U.S. Environmental Protection Agency  
Barbara Newman, Project Manager  
Massachusetts Superfund Section  
Waste Management Division  
JFK Federal Building, HRS-CAN2  
Boston, MA 02203

If you have any legal questions, please direct such questions to Gretchen Muench of the Office of Regional Counsel at (617) 565-3316. If you have any technical questions, please direct such questions to Barbara Newman, at the above address, or at (617) 573-5736.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

  
Merrill S. Hohman, Director  
Waste Management Division

Enclosure

cc. Gretchen Muench, Office of Regional Counsel  
Barbara Newman, Waste Management Division  
Gene Lucero, Director  
Office of Waste Programs Enforcement  
Winston Porter, Director  
Office of Emergency and Remedial Response  
Rodine DeRice, Department of  
Environmental Quality Engineering  
James Stewart, Esq., Lowenstein, Sandler, Brochin, Kohl, Fisher,  
Boylan & Meanor  
Donald Frederico, Esq., Hale and Dorr

## FIRST INFORMATION REQUEST

Instructions

1. A separate response must be made to each of the Questions set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information which is not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
6. Where specific information has not been memorialized in any document, but is nonetheless responsive to a Question, you must respond to the Question with a written response.

### Definitions

The following definitions shall apply to the following words as they appear in this Attachment A:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity.
3. The term "the Facility" shall mean and include the property on or about the Wildwood Conservation Corporation property located on Salem Street, in Woburn, Massachusetts, Block 16005, lot 42; and the Wedel Corporation property located on Salem Street, Block 21000 lot 37 and lot 96, on the Assessor's Map #21 in Woburn, Massachusetts.
4. The term "the Site" shall mean and include all the property that is bounded by: Route 128 to the North, Salem and Cedar Streets to the South, Wildwood Avenue to the West, and I-93 to the East in Woburn, Massachusetts.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
6. The term "pollutant or contaminant," shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.
7. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
8. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
9. The term "materials" shall mean all substances that have been generated, treated, stored, removed, or disposed of or otherwise handled at or transported to or from the Facility, including, but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above including, but not limited to, benzene, toluene, tetrachloroethene, trichloroethene, 1,2 trans-dichloroethene, 1,1,1-trichloroethane and any petroleum product such as fuel oil or gasoline.

10. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.

11. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.

12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.

14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

15. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

16. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such

punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

17. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

18. The term "arrangement" means every separate contract or other agreement between two or more persons.

19. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

20. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

#### QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the Respondent, if any.

5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

6. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal or other handling of materials at, or transportation of materials to or from, the Facility.

7. For each and every Question contained herein, if information responsive to this Information Request is not in your possession, custody or control, then identify the persons from whom such information may be obtained.

8. Identify all prior owners of the Facility.

9. Identify the dates of ownership by you of the Facility.

10. Identify all operators and lessors during the period you owned the Facility.

11. Identify any evidence that hazardous materials were released or threatened to be released at the Facility during the period that you owned the Facility.

12. Describe the physical structures that exist or that existed at the Facility when you owned it including, but not limited to, the following:

a. Surface structures (e.g., buildings, tanks, etc.).

b. Groundwater production well(s), monitoring wells, and test wells installed for the purpose of groundwater production or for evaluating the Facility for groundwater production wells.

c. Underground structures e.g., storm water drainage system, sanitary sewer system, septic tank(s) and subsurface disposal field(s).

d. Underground storage tanks that contain or contained petroleum products, including the age and size of the tank, the type and quantity of petroleum stored, and any leak tests done on the tanks.

e. Any and all additions, removals, demolitions or changes of any kind to physical structures on, under or about the Facility, or to the property itself (e.g., filling regrading or excavation) and state the dates on which such changes occurred.

13. Describe the nature of the business that occurred at the Facility during the time you owned it.

14. List (do not submit) all documentation to support your answers to Question 12, including, but not limited to:

- a. drilling logs,
- b. lithologic and stratigraphic logs,
- c. drillers' well completion data and construction method.

15. Describe the acts or omissions of any persons, including your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances at the Site or at the Facility and the damages relating therefrom and identify such persons. In addition, describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions.

16. At the time you acquired the parcels of the Facility, did you know or have reason to know that any material was disposed of on, in, or at the Facility? Describe all investigations of the Facility you undertook prior to acquiring/leasing the Facility and all of the facts on which you base the answer to the preceding Question.

17. Have you ever been aware of anyone disposing or storing materials, or of the potential for anyone to dispose or store materials at the Facility during the time you owned it? Have you ever been aware of the disposal, storage or removal of materials at the Facility by the John J. Riley Tannery Co. or by the Whitney Barrel Co.? If the answer to any of these questions is yes, please describe:

- a. The dates that the disposal or storage occurred.
- b. What type of arrangement you had with any of these companies for the use of the Facility;
- c. Where the disposal, storage or removal occurred;
- d. What was the chemical composition of the material disposed, stored, or removed at the Facility.
- e. Who disposed, transported, stored or removed material at the Facility.

18. Have you ever generated, purchased, stored, treated, disposed, removed or otherwise handled any hazardous materials at the Facility? If the answer to the preceding question is anything but an unqualified "no" identify:

a. In general terms, the nature and quantity of the non-hazardous materials so transported, used, purchased, generated, stored, treated, disposed, removed or otherwise handled.

b. The chemical composition, characteristics, physical state (e.g., solid, liquid) and quantity of each hazardous material so removed, transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

c. The persons who supplied you with and/or who transported to you each such hazardous material.

d. How each such hazardous material was used, purchased, generated, stored, treated, transported, disposed, removed or otherwise handled by you.

e. When each such hazardous material was used, purchased, generated, stored, treated, transported, disposed, removed or otherwise handled by you.

f. Specify, with drawings and maps, where each such hazardous material was used, purchased, generated, stored, treated, transported, disposed, removed or otherwise handled by you.

19. Were you aware at the time of purchase of the Facility of the existence of Whitney Barrel Company and the nature of its operations?

20. Explain, and list all documentation to support, the following information regarding the groundwater production wells at the Facility when you owned it.

a. What the water was used for?

b. What was the rate at which the well was pumped?

c. What were the historical pumping rates beginning with the wells' construction up until the period you owned the Facility? If pumping rates varied at different periods of time, describe the variances and specify when they occurred and the length of time for which they occurred.

21. Identify all liability insurance policies held by Respondent. In identifying such policies, state:

- a. The name and address of each insurer and of the insured;
- b. The amount of coverage under each policy;
- c. The commencement and expiration dates for each policy;
- d. Whether or not the policy contains a "pollution exclusion" clause; and
- e. Whether or not the policy covers sudden, nonsudden or both types of accidents.

In lieu of providing this information, you may submit complete copies of all insurance policies that may cover the release or threatened release of hazardous materials.

22. Provide all financial statements for the past five fiscal years, including, but not limited to, those filed with the federal and State Internal Revenue Service and Securities and Exchange Commission.

23. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or are responsible for such assets and liabilities.

24. Identify all subsidiaries and parent corporations of Respondent.

25. Provide a copy of the most current Articles of Incorporation and By-Laws of Respondent.

26. Identify the managers and majority shareholders of Respondent and the nature of their management duties or amount of shares held respectively.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery  
↑(Extra charge)↑ ↑(Extra charge)↑

3. Article Addressed to:

Donald Kelly  
Beatrice Foods  
2 North LaSalle St  
Chicago, IL 60602

4. Article Number

) 480 786 804

Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE  
USE, \$300

RETURN  
TO



Print Sender's name, address, and ZIP Code in the space below.

Barbara Newman

US EAA HRS-CAN3

JFK Bldg

Boston, MA 02203

P 480 786 804

RECEIPT FOR CERTIFIED MAIL

ADDITIONAL COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse) 2/22/88

Sent to	
Donald Kelly	
Street and No.	
Beatrice Foods	
2 North LaSalle St.	
P.O., State and ZIP Code	
Chicago, IL 60602	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, Feb. 1982

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.